

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JONATHAN DANIEL SMITH,

Plaintiff,

v.

ROBIN SOUVENIR, *et al.*,

Defendants.

Case No. 3:19-cv-05838-RSL-TLF

ORDER ADOPTING REPORT
AND RECOMMENDATION

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Judge Theresa L. Fricke, United States Magistrate Judge, and objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendants' motion for summary judgment (Dkt.30) is GRANTED in part and DENIED in part, as follows:

- a. The motion is GRANTED and Plaintiff's claims for violation of the Eighth Amendment, Plaintiff's claims against Defendant Souvenir, Plaintiff's Fourteenth Amendment claims against Defendant Matlock for failure to protect and Plaintiff's Fourteenth Amendment claims against Defendants Matlock and Kimball for delay of medical care are DISMISSED with prejudice;

Dated this 26th day of April, 2021.

ORDER ADOPTING REPORT AND
RECOMMENDATION - 2